

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

WARD FRANCIS WEAVER,
Petitioner,
vs.
Vince Cullen, as Warden of San Quentin
State Prison,
Respondent.

Case No. 1:02-cv-05583-AWI

DEATH PENALTY CASE

ORDER GRANTING PETITIONER'S SECOND REQUEST TO EXTEND THE BRIEFING SCHEDULE

This matter is before the Court on the second request of Petitioner Ward Francis Weaver (“Weaver”) for a 60-day extension of time within which to file his opening brief regarding the merits and further evidentiary development of Claims 1 and 2 of his Petition. The grounds for the request are explained in the supporting declaration of appointed co-counsel Anne Lackey. First the illness of a crucial witness required the postponement of an interview to provide a factual basis for the claims. Second another witness has encountered logistical problems obtaining past records relevant to the case. Third, complications with the document storage and retrieval system at the Habeas Corpus Resource Center (“HCRC”) (where Ms. Lackey is employed), has delayed the organization and review of the records in this case. Fourth, the departure of co-counsel Samira Sadeghi from the HCRC (including her institutional knowledge about Weaver’s case) has now been compounded by the departure of Ms. Lackey’s co-counsel in a separate state court case with resulting reallocation of her time between Weaver’s case and the state court case. Fifth, Ms. Lackey refers to other business obligations of co-counsel Karen S. Schryver. Finally, counsel for Respondent Vince Cullen, as Warden of San Quentin State Prison (the “Warden”) does not oppose the requested 60-day extension.

1 GOOD CAUSE APPEARING, the briefing schedule approved on January 4, 2011 (doc. 135)
2 is amended as follows:

- 3 1. Weaver's opening brief (as described in the September 7, 2010 order), shall be filed and served
4 by May 6, 2011 (extended from March 7, 2011);
- 5 2. The Warden's opposing brief shall be filed 120 days later, on September 6, 2011; and
- 6 3. Weaver's reply brief will be due 60 days after the filing of the Warden's brief, on November 7,
7 2011.

8 Unless further proceedings are necessary, the Court will issue a memorandum decision and order on the
9 submitted briefing. In the event further briefing or a hearing is necessary, the Court will advise the
10 parties in writing.

11 IT IS SO ORDERED.

12 DATE: March 1, 2011

/s/ Anthony W. Ishii
Anthony W. Ishii
United States District Judge